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In the Supreme Court of Ohio

STATE OF OHIO, ex rel. MICHAEL DEWINE, ATTORNEY GENERAL, et al.	:	Case No. 2011-0890
Petitioners,	:	On Review of Certified Questions from the United States District Court for the Northern District of Ohio
v.	:	U.S. District Court Case Nos. 3:10-cv-02537, 1:10-cv-02709
GMAC MORTGAGE, LLC, et al.	:	
Respondents.	:	

NOTICE OF SETTLEMENT AND MOTION FOR CHANGE OF STATUS BY OHIO ATTORNEY GENERAL MICHAEL DEWINE

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NOTICE OF SETTLEMENT AND MOTION FOR CHANGE OF STATUS BY OHIO ATTORNEY GENERAL MICHAEL DEWINE

The Ohio Attorney General informs the Court that he has settled his pending claims against GMAC. In light of this development, the Attorney General asks the Court to change his status from "Petitioner" to "Amicus Curiae" in this case.

As the Court is aware, the Attorney General sued GMAC, alleging violations of Ohio's Consumer Sales Practices Act ("CSPA") and common law fraud. GMAC removed the case to federal court, which certified three questions of state law to this Court regarding the scope of the CSPA. The parties presented oral argument on February 8, 2012.

Shortly before oral argument, the Attorney General informed the Court that several large mortgage servicing companies—Bank of America, Citigroup, Wells Fargo, J.P. Morgan Chase, and GMAC—had proposed settlement offers to the attorneys general of all 50 States. Under the terms of the proposed settlement, the state attorneys general would agree to dismiss certain civil claims against the servicers, including the claims raised in this case. The Ohio Attorney General informed the Court of his preliminary intent to accept GMAC's offer.

Recently, the parties finalized the settlement agreements, submitting them to a federal district court in Washington, D.C. for approval. The court approved the settlement agreements. *See* Consent Judgments, *United States v. Bank of America*, No. 12-cv-361 (D.D.C.) (entered April 4 & 5, 2012).[1]

Consistent with the terms of his settlement with GMAC, the Ohio Attorney General has dismissed his pending complaint against GMAC. *See* Notice of Voluntary Dismissal, *State v. GMAC*, No. 3:10-cv-2537 (N.D. Ohio) (entered April 25, 2012) (attached as Ex. A).

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[1] The 328-page consent judgment is available at http://www.nationalmortgagesettlement.com. The Attorney General will also submit copies upon request of the Court.

Because the Attorney General has dismissed his complaint against GMAC, he should no longer be listed as a party in this certified-question case.

These events, however, do not affect this Court's ability to resolve the district court's certified questions. A group of private homeowners has sued GMAC under similar statutory and common law theories, and the federal district court consolidated their litigation with the Attorney General's. *See Blank v. GMAC Mortgage*, No. 1:10-cv-2709 (N.D. Ohio). Those private homeowners remain parties to this certified-question case.

Additionally, the district court's certified questions remain of utmost importance to the Attorney General. He has special enforcement powers under the CSPA and potential claims against mortgage servicers who are not parties to the settlement. Accordingly, the Attorney General wishes to remain in this litigation as amicus curiae in support of the homeowners.

Given these developments, the Attorney General asks the Court to change his status from "Petitioner" to "Amicus Curiae" in this case.[2]

[2] If the Court grants the Attorney General's motion, it should re-caption this case as "*Louis Blank, et al. v. GMAC Mortgage, LLC, et al.*"

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Settlement and Motion for Change of Status was served by U.S. mail this 25th day of April, 2012 upon the following:

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Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

STATE OF OHIO, ex rel. MICHAEL DEWINE, ATTORNEY GENERAL OF OHIO, *Plaintiff* vs. GMAC MORTGAGE, LLC and JEFFREY STEPHAN, *Defendants.*	Case No. 3:10-cv-02537-JZ JUDGE ZOUHARY MAGISTRATE JUDGE KNEPP

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiff State of Ohio ex rel. Attorney General Michael DeWine respectfully notifies the Court that it is voluntarily dismissing its Complaint against Defendants GMAC Mortgage LLC and Jeffrey Stephan with prejudice, pursuant to Civ. R. 41(a)(1).

Pursuant to Civ. R. 41(a)(1)(A)(i), because Defendants have not filed an answer or a motion for summary judgment, this case may be dismissed without a court order or a stipulation signed by all parties.

Respectfully submitted,

MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Voluntary Dismissal was served via CM/ECF notification on all counsel of record on April 25, 2012.

/s/ Susan A. Choe